



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 7688-99
3 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that you underwent a pre-separation physical examination on 7 December 1994, and stated that you were in good health. The examining physician noted that you had a history of migraine headaches and several other medical conditions, but found you qualified for release from active duty. You were released from active duty on 6 February 1995, and assigned a reenlistment code of RE-1, which indicates that you were eligible and recommended for reenlistment.

The fact that the Department of Veterans Affairs awarded you a disability rating for migraine headaches effective from 11 April 1996 was not considered probative of error or injustice in your case, because the VA assigns disability ratings without regard to the issue of fitness for military duty. As you have not established that you were unfit to perform the duties of your office, grade, rank or rating at the time of your release from active duty, there is no basis for correcting your record to show that you were discharged by reason of physical disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director